1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 7 UNITED STATES OF AMERICA, 8 Case No. CR20-137 RAJ Plaintiff, 9 **DETENTION ORDER** v. 10 BRYAN MICHAEL POLLESTAD, 11 Defendant. 12 13 14 Offenses charged: 15 Count 1: Conspiracy to Distribute Methamphetamine, Heroin, and Fentanyl in 16 violation of 21 U.S.C. § 846 17 Count 22: Possession of Methamphetamine and Fentanyl with the Intent to Distribute 18 in violation of 21 U.S.C. §§ 841(a)(1), and 841(b)(1)(A) and (B), 18 U.S.C. § 2 19 Count 23: Possession of Heroin with Intent to Distribute in violation of 21 U.S.C. §§ 20 841(a)(1) and 841(b)(1)(B), 18 U.S.C. § 2 21 Count 27: Possession of Methamphetamine, Heroin, and Fentanyl with Intent to 22 Distribute, in violation of 21 U.S.C. §§ 841 (a)(1) and 841(b)(1)(A), (B), and (C), 18 U.S.C. 23 § 2

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Count 30: Conspiracy to Distribute Methamphetamine, Heroin, and Fentanyl in violation of 21 U.S.C. § 846

Count 31: Possession of Methamphetamine, Heroin, and Fentanyl with Intent to Distribute in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A) and (B), 18 U.S.C. § 2 Count 33: Possession of Heroin with Intent to Distribute in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A), 18 U.S.C. § 2

<u>Date of Detention Hearing</u>: The Court held a hearing via a WebEx videoconference, with the consent of Defendant on September 3, 2020, due to the exigent circumstances as outlined in General Order 11-20. This detention order is without prejudice to renewing once the court has reconstituted in-person hearings.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the reasons for detention hereafter set forth, finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 1. There is a rebuttable presumption of detention pursuant to 18 U.S.C. § 3142(e).
- 2. Defendant stipulated to detention.
- 3. Defendant poses a risk of nonappearance due to a history of failures to appear, noncompliance while on terms of supervision and non-compliance with court orders.

 Defendant was also not interviewed and therefore his background, history, and ties
 to the community are unknown. Defendant poses a risk of danger due to the nature
 of charged offense. Based on these findings, and for the reasons stated on the
 record, there does not appear to be any condition or combination of conditions that
 will reasonably assure the Defendant's appearance at future court hearings while
 addressing the danger to other persons or the community.

4. Taken as a whole, the record does not effectively rebut the presumption that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community.

IT IS THEREFORE ORDERED:

- (1) Defendant shall be detained pending trial, and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which Defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the Defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

Dated this 3rd day of September, 2020.

MICHELLE L. PETERSON United States Magistrate Judge